

Subchapter D—SOCIOECONOMIC PROGRAMS

PART 1019—SMALL BUSINESS PROGRAMS

Subpart 1019.2—Policies

Sec.

1019.202 Specific policies.

1019.202-70 The Treasury Mentor-Protégé Program

1019.202-70-3 Non-affiliation.

1019.202-70-4 General policy.

1019.202-70-5 Incentives for prime contractor participation.

1019.202-70-7 Mentor firms.

1019.202-70-8 Protégé firms.

1019.202-70-9 Selection of Protégé firms.

1019.202-70-10 Application process for mentor firms to participate in the program.

1019.202-70-11 OSBD review and approval process of agreement.

1019.202-70-12 Agreement contents.

1019.202-70-13 Developmental assistance.

1019.202-70-14 Obligation.

1019.202-70-16 Solicitation provisions and contract clauses.

Subpart 1019.7—The Small Business Subcontracting Program

1019.708 Contract clauses.

1019.708-70 Solicitation provisions and contract clauses.

Subpart 1019.8—Contracting With the Small Business Administration (The 8(a) Program)

1019.811 Preparing the contracts.

1019.811-3 Contract clauses.

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Subpart 1019.2—Policies

1019.202 Specific policies.

1019.202-70 The Treasury Mentor-Protégé Program.

1019.202-70-3 Non-affiliation.

For purposes of the Small Business Act, a protégé firm may not be considered an affiliate of a mentor firm solely on the basis that the protégé firm is receiving developmental assistance referred to in DTAR 1019.202-70-13 from such mentor firm under the Program.

1019.202-70-4 General policy.

(a) Eligible prime contractors, not included on the “List of Parties Excluded from Federal Procurement and Nonprocurement Programs”, that are approved as mentors will enter into agreements with eligible protégés. Mentors provide appropriate developmental assistance to enhance the capabilities of protégés to perform as contractors or subcontractors.

(b) A firm’s status as a protégé under a Treasury contract must not have an effect on the firm’s eligibility to seek other contracts or subcontracts.

1019.202-70-5 Incentives for prime contractor participation.

(a) Under the Small Business Act, 15 U.S.C. 637(d)(4)(E), Treasury is authorized to provide appropriate incentives to encourage subcontracting opportunities consistent with the efficient and economical performance of the contract. Proposed mentor-protégé efforts will be considered during the evaluation of such negotiated, competitive offers. Contracting officers must provide, as an incentive, a bonus score, not to exceed 5% of the relative importance assigned to the technical/management factors.

(b) A mentor’s performance will be evaluated against the criteria described in DTAR 1052.219-75.

(c) Before awarding a contract that requires a subcontracting plan, the existence of a mentor-protégé arrangement, and performance (if any) under an existing arrangement, must be considered by the contracting officer in:

(1) Evaluating the quality of a proposed subcontracting plan under FAR 19.705-4; and

(2) Evaluating the contractor compliance with the subcontracting plans submitted in previous contracts as a factor in determining contractor responsibility under FAR 19.705-5(a)(1).

(d) Mentor-protégé arrangements may provide the government with greater assurance that a protégé subcontractor will be able to perform under the contract.

1019.202-70-7

(e) The Office of Small Business Development (OSBD) Mentoring Award is a non-monetary award that will be presented (annually or as often as appropriate) to the mentoring firm providing the most effective developmental support of a protégé. The Mentor-Protégé Program Manager will recommend an award winner to the Director, Office of Small Business Development.

1019.202-70-7 Mentor firms.

A mentor firm may be either a large or small business, eligible for award of a Government contract that can provide developmental assistance to enhance the capabilities of protégés to perform as subcontractors. Mentors will be encouraged to enter into arrangements with protégés in addition to firms with whom they have established business relationships.

1019.202-70-8 Protégé firms.

(a) For selection as a protégé, a firm must be:

(1) A small business, women-owned small business, small disadvantaged business, small business owned and controlled by service disabled veterans, or qualified HUBZone small business;

(2) “Small” in the NAICS for the services or supplies to be provided by the protégé under its subcontract to the mentor; and

(3) Eligible for receipt of Government contracts.

(b) Except for small disadvantaged business, or qualified HUBZone small business firms, a protégé firm may self-certify to a mentor firm that it meets the requirements set forth in paragraph (a) of this section. Mentors may rely in good faith on written representations by potential protégé that they meet the specified eligibility requirements. The small disadvantaged business and HUBZone status eligibility and documentation requirements are determined according to FAR 19.304 and FAR 19.1303, respectively.

(c) Protégés may not have multiple mentors unless approved, in writing, by the Director, Office of Small Business Development (OSBD). Protégés participating in other agency mentor-protégé programs in addition to the Treasury Program should maintain a system for preparing separate reports of men-

48 CFR Ch. 10 (10-1-06 Edition)

toring activity for each agency’s program.

1019.202-70-9 Selection of protégé firms.

(a) Mentor firms will be solely responsible for selecting protégé firms. The mentor is encouraged to identify and select the types of protégé firms listed in 1019.202-70-7. Mentor firms may have multiple protégés.

(b) The selection of protégé firms by mentor firms may not be protested. Any protest regarding the size or eligibility status of an entity selected by a mentor to be a protégé must be referred solely to Treasury’s OSBD for resolution. Treasury, at its discretion, may seek an advisory opinion from the Small Business Administration (SBA).

1019.202-70-10 Application process for mentor firms to participate in the program.

(a) Firm interested in becoming a mentor firm may apply in writing to Treasury’s OSBD. The application will be evaluated based upon the description of the nature and extent of technical and managerial support proposed as well as the extent of other developmental assistance in the form of equity investment, loans, joint-venture support, and traditional subcontracting support.

(b) A proposed mentor will submit the information listed in DTAR 1019.202-70-12 for inclusion in a mentor-protégé agreement.

1019.202-70-11 OSBD review and approval process of agreement.

(a) OSBD will review the information specified in DTAR 1019.202-70-12. The OSBD review will be completed no later than 30 calendar days after receipt.

(b) Upon completion of the review, the mentor may implement the developmental assistance program.

(c) An approved agreement will be incorporated into the mentor firm’s contract(s) with Treasury.

(d) If the OSBD disapprove the agreement, the mentor may provide additional information for reconsideration. Upon finding deficiencies that the OSBD considers correctable, the OSBD will notify the mentor and provide a